

IN THE SUPREME COURT OF PENNSYLVANIA

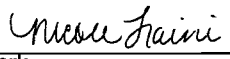
OFFICE OF DISCIPLINARY COUNSEL : No. 2839 Disciplinary Docket No. 3
: :
Petitioner : No. 93 DB 2021
: :
v. : Attorney Registration No. 92129
: :
: (Franklin County)
WILLIAM SCOTT ARNOULT, : :
: :
Respondent : :

ORDER

PER CURIAM:

AND NOW, this 15th day of December, 2021, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and William Scott Arnoult is suspended on consent from the Bar of this Commonwealth for a period of two years. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 12/15/2021

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	93 DB 2021
	:	
	:	
	:	
v.	:	
	:	
WILLIAM SCOTT ARNOULT, Respondent	:	Attorney Reg. No. 92129
	:	
	:	(Franklin County)

**JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT
PURSUANT TO Pa. R.D.E. 215(d)**

Petitioner, Office of Disciplinary Counsel, by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Jessica L. Chapman, Esquire, Disciplinary Counsel, and Respondent, William Scott Arnoult, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter, "Pa.R.D.E.") and respectfully state and aver the following:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

FILED 10/20/2021 The Disciplinary Board of the Supreme Court of Pennsylvania

2. Respondent, William Scott Arnoult, was born on January 4, 1966, was admitted to practice law in the Commonwealth of Pennsylvania on December 12, 2003, and has a registered address of 512 East Baltimore Street, Greencastle, Pennsylvania 17225.

3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

4. On July 7, 2021, Respondent was personally served with a Petition for Discipline in this matter.

5. Respondent did not file an answer and therefore, pursuant to Pa.R.D.E. 208(b)(3), all the factual allegations in the Petition for Discipline were deemed admitted.

SPECIFIC FACTUAL ADMISSIONS

ODC Matter

6. On September 17, 2019, Respondent received an informal admonition from former Chief Disciplinary Counsel, Paul J. Killion in connection with ODC files C3-18-306 and C3-19-208.

7. This informal admonition was imposed for Respondent's violations of RPC 1.1, RPC 1.3, RPC 1.4(a)(2)-(4), RPC 1.16(d), RPC 8.4(c)-(d), and Pa.R.D.E. 203(b)(7).

8. At C3-18-306, the complainant retained Respondent in connection with a medical malpractice case.

9. Respondent stopped communicating with the complainant and subsequently changed his telephone number and did not notify the complainant.

10. During its investigation of C3-18-306, ODC opened case C3-19-208 to investigate the status of Respondent's active cases in which he remained counsel of record.

11. During the course of the investigation of C3-18-306 and C3-19-208, Respondent advised ODC that his health issues did not allow him to work more than a few hours a day and he would be withdrawing from his cases and going on inactive status.

12. Thereafter, Respondent failed to submit a response to the DB7, stopped communicating with ODC, and failed to withdraw as counsel in his open cases and elect inactive status due to his ongoing health conditions.

13. As a condition of the Informal Admonition, Respondent was required to provide the complainant at C3-18-306 with her file and either withdraw as counsel or take meaningful action to progress the remaining matters in which Respondent remained counsel of record.

14. Respondent failed to comply with this condition.

15. Pursuant to Pa.R.D.E. 203(b), Respondent's failure to comply with the condition attached to the informal admonition is grounds for prosecution of formal charges against Respondent.

16. In violation of the condition of the informal admonition, Respondent remains counsel of record in nine matters, including the Conrad matter which is discussed in detail at paragraphs 55 through 71.

17. In *Baker et al v. Sanders et al*, 2015-cv-1423 (Franklin C.C.P.), Respondent represented the plaintiff in a construction defect case pursuing a mechanics' lien in the amount of \$47,589.06.

18. Respondent's last entry on this docket is an Answer to New Matter filed on October 1, 2018.

19. Respondent failed to take any action to move this case forward.

20. In his August 28, 2018, e-mail to ODC, Respondent stated that he communicated to the plaintiff his medical condition but that successor counsel had not been selected.

21. In ***Estate of Susan Grace Kent***, Estate No. 2016-00075 (Fulton Co.), Respondent is counsel of record for the estate.

22. Respondent failed to take steps to timely conclude the Estate.

23. In ***Estate of Alan Starkey***, Estate No. 2817-0440 (Franklin Co.), Respondent is counsel of record for the Estate.

24. Respondent failed to take steps to timely conclude the Estate.

25. In ***Estate of Bing Toy Poon***, Estate No. 2010-04634 (Franklin Co.), Respondent is counsel of record for the Estate.

26. Respondent failed to timely conclude this Estate.

27. In ***Estate of James L. Simpson***, Estate No. 2010-09510 (Franklin Co.), Respondent is counsel of record for the Estate.

28. Respondent failed to take steps to timely conclude this Estate.

29. In ***Estate of Donna J. Cook***, Estate No. 2010-18827 (Franklin Co.), Respondent is counsel of record for the Estate.

30. Respondent failed to take any steps to timely conclude the Estate.

31. In ***Estate of Stephen Wayne Price***, Estate No. 2011-13902 (Franklin Co.), Respondent is counsel of record for the Estate.

32. Respondent failed to take steps to timely conclude the Estate.

33. In ***Estate of Wilma G. Burkhart***, 2011-17117 (Franklin Co.), Respondent is counsel of record for the Estate.

34. Respondent failed to take steps to timely conclude the Estate.

35. Additionally, Respondent failed to withdraw as counsel in three matters, as set forth in paragraphs 36 through 51 *infra*, which were discontinued due to inactivity.

36. In ***Rocha v. Sheetz***, 2013-cv-4462 (Franklin C.C.P.), Respondent initiated the action by filing a writ of summons in the Court of Common Pleas of Franklin County on November 5, 2013.

37. After filing a complaint and answer to new matter, Respondent failed to take any further action.

38. On July 3, 2019, the Court filed a notice of intent to terminate the case and Respondent filed a statement of intent to proceed.

39. Following a status conference on November 1, 2019, the Court terminated the case with prejudice for failure to prosecute.

40. In ***Golden v. McCuster***, 2013-cv-388 (Fulton C.C.P.), Respondent represented the plaintiff in pursuing a motor vehicle tort claim.

41. Respondent initiated the action by filing a writ of summons in the Court of Common Pleas of Fulton County on November 14, 2013.

42. Since 2013, Respondent took no action in this matter.

43. On October 11, 2016, the Court sent Respondent a notice of intent to terminate the case and Respondent filed a statement of intent to proceed.

44. On August 13, 2019, the Court filed another notice of intent to terminate the case due to inactivity.

45. Respondent failed to file a statement of intent to proceed and, on October 29, 2019, the case was terminated.

46. In ***Remchuck v. Jennings Chevrolet***, 2014-cv-3806 (Franklin C.C.P.), Respondent represented the plaintiff in pursuing a tort claim.

47. Respondent initiated the action by filing a complaint in the Court of Common Pleas of Franklin County on October 5, 2014.

48. Respondent made no significant filings since 2014.

49. The Court scheduled a status conference for February 28, 2017, and Respondent failed to appear.

50. On July 3, 2019, a notice of intent to terminate the case was sent to Respondent.

51. On August 6, 2019, the Court dismissed the case with prejudice due to Respondent's failure to prosecute.

Administrative Suspension

52. On September 11, 2020, the Supreme Court of Pennsylvania issued an Order placing Respondent on administrative suspension for failure to pay his attorney registration fees.

53. Thereafter, Respondent failed to withdraw as counsel, as referenced in paragraphs 17 through 34 *supra*.

54. Respondent further failed to file, with the Disciplinary Board, a verified statement indicating compliance with Pa.R.D.E. 217.

Conrad Matter

55. Respondent represented John T. Conrad, III, in civil matters in which Mr. Conrad was a defendant, docketed at ***Borough of Greencastle v. John T. Conrad, III***, MJ-39306-CV-000023-2017, MJ-39306-CV-000025-2017, and MJ-39306-CV-000026-2017.

56. Plaintiff, Borough of Greencastle (Borough), filed these actions based on its determination that Mr. Conrad was in violation of various zoning ordinances due to the presence of “junk” on his properties.

57. The magisterial district court awarded judgment in favor of the Borough for each of the civil complaints, and Respondent filed appeals in the Franklin County Court of Common Pleas, initiating ***Borough of Greencastle v. John T. Conrad, III***, 2017-03001, 2017-03002, 2017-03003, and 2017-03004 (Franklin C.C.P.).

58. Following various procedural filings in the Franklin County Court of Common Pleas, the Borough filed a Motion for Judgment on the Pleadings.

59. Respondent failed to respond.

60. Consequently, the Court granted the Borough’s petition for judgment on the pleadings and provided that “each day upon which the violation of the Zoning Ordinance continues shall be treated as a separate violation.”

61. Respondent timely filed appeals in the Superior Court, which were ultimately transferred to the Commonwealth Court, for each of the judgments, initiating ***Borough of Greencastle v. John T. Conrad, III***, 300 CD 2019, 301 CD 2019, 302 CD 2019, and 303 CD 2019 (Cmwth. Ct.).

62. Respondent failed to timely file and serve docketing statements for the

Commonwealth Court appeals.

63. On April 15, 2019, the Commonwealth Court entered an Order noting Respondent's failure to file and serve the necessary docketing statements and directing Respondent to do so within 14 days or the appeals would be dismissed.

64. On April 29, 2019, the Commonwealth Court noted that Respondent failed to pay the \$50.00 transfer filing fee and directed that he do so within 14 days.

65. On May 2, 2019, Respondent filed the docketing statements.

66. On May 29, 2019, after having been granted an extension to file the brief and reproduced record, Respondent filed a brief, but failed to file a reproduced record.

67. The Borough filed an Application to Dismiss based on Respondent's failure to file the reproduced record, which the Commonwealth Court granted and dismissed the appeals.

68. Respondent failed to promptly advise Mr. Conrad of the dismissal of the appeals; because Respondent had not filed any further appeals or sought reconsideration, the judgments against Mr. Conrad became final.

69. On August 12, 2019, Borough attorney Zachary Rice, Esq. ("Attorney Rice") sent a letter to Respondent advising him that Mr. Conrad had 30 days to remove any and all "junk" from the properties, and further reiterating that each day the "junk" remained on the property would be viewed as a separate violation, for which the Borough would be permitted to pursue financial penalties against Mr. Conrad.

70. On September 17, 2019, Attorney Rice spoke with Respondent over the phone and advised him that the Borough intended to pursue financial penalties against Mr. Conrad due to his continued violations.

71. In response, Respondent stated that he had failed to inform Mr. Conrad of Attorney Rice's August 12, 2019, letter and of the 30-day deadline to remove the "junk" from his properties.

72. Thereafter, on September 17, 2019, Attorney Rice filed a disciplinary complaint against Respondent based on Respondent's failure to inform Mr. Conrad of the August 12, 2019, letter and the potential penalties Mr. Conrad could incur.

73. On January 6, 2020, ODC sent Respondent a DB-7 Request for Statement of Position ("DB-7 letter").

74. Respondent failed to respond to the DB-7 letter.

75. On January 27, 2021, ODC re-sent the DB-7 letter to Respondent's office and home addresses, as well as electronically *via* email.

76. Respondent again failed to respond or provide the documents.

RULES OF PROFESSIONAL CONDUCT AND DISCIPLINARY ENFORCEMENT
RULES VIOLATED

77. Respondent admits to violating the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- a. RPC 1.1, which states, "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."
- b. RPC 1.3, which states, "A lawyer shall act with reasonable diligence and promptness in representing a client."
- c. RPC 1.4(a)(3), which states, "A lawyer shall . . . keep the client reasonably informed about the status of the matter[.]"

- d. RPC 1.4(b), which states, “A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.”
- e. RPC 1.16(a)(2), which states, “Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if . . . the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client[.]”
- f. RPC 8.4(d), which states, “It is professional misconduct for a lawyer to . . . engage in conduct that is prejudicial to the administration of justice[.]”
- g. Pa.R.D.E. 217(b), which states, “A formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. . . .”
- h. Pa.R.D.E. 217(e)(1), which states, “Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file

with the Board a verified statement and serve a copy on Disciplinary Counsel. . . .”

- i. Pa.R.D.E. 203(b)(7), which states, “The following shall also be grounds for discipline . . . [f]ailure by a respondent-attorney without good cause to respond to Disciplinary Counsel’s request or supplemental request under Disciplinary Board Rules, § 87.7(b) for a statement of the respondent-attorney’s position.”

SPECIFIC JOINT RECOMMENDATIONS FOR DISCIPLINE

78. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a two-year suspension. Respondent hereby consents to the discipline being imposed upon him by the Supreme Court of Pennsylvania.

79. Respondent’s prior informal admonition and failure to answer the Petition for Discipline are aggravating factors.

80. Respondent’s admittedly belated acceptance of responsibility by agreeing to a consent suspension is a mitigating factor.

81. Discipline for misconduct arising from allegations of neglect of client matters, and failure to diligently represent and communicate with clients supports a period of suspension. **See *Office of Disciplinary Counsel v. Frank C. Arcuri***, No. 147 DB 2019 (S. Ct. Order 10/6/2020). The Court suspended Arcuri for one year and one day in connection with his neglect of six client matters. In the first matter, Loriann Saltzer retained Arcuri to file divorce proceedings. Arcuri made several errors in his filings, including, having incorrect dates on Affidavits of Service, failing to include required language in a pleading, and failing to include required documents in filings. Arcuri also

filed a Praecipe to Transmit the Record, which incorrectly stated that there were no economic claims. In a second matter, Preston Walters retained Arcuri to file a PCRA petition. Arcuri filed the petition, which was denied. Thereafter, Mr. Walters retained new counsel who entered his appearance. Despite Mr. Walters having new counsel, Arcuri filed an appeal of the denial of the PCRA with the Superior Court of Pennsylvania. The Superior Court issued a docketing statement, which Arcuri failed to complete and file. The appeal was dismissed. In a third matter, Arcuri was retained to represent Guy Tomasso in an uncontested divorce. Arcuri neglected this matter, failed to communicate with Mr. Tomasso, and failed to respond to Mrs. Tomasso who was unrepresented. Arcuri neglected 3 other divorce matters by engaging in similar misconduct as described above. Arcuri accepted responsibility for his misconduct, expressed remorse, and testified as to his various health issues and their impact on his practice of law.

82. Similarly, neglect and failure to comply with conditions of an informal admonition have resulted in a one year and one day suspension. ***See Office of Disciplinary Counsel v. Richard W. Kolosky***, No. 202 DB 2019 (S. Ct. Order 5/22/2020). Kolosky was suspended on consent for one year and one day. He was retained by Judith Ann Blank for an expungement and paid \$3,500. Kolosky failed to take the appropriate steps to have the matter expunged and failed to communicate with Ms. Blank. Kolosky failed to respond to the DB-7. ODC concluded its investigation and recommended an informal admonition with the condition that Kolosky refund Ms. Blank her \$3,500. Kolosky failed to appear for the informal admonition and failed to comply with the condition. ODC filed a Petition for Discipline to which Kolosky failed to respond. Prior to the pre-hearing conference, ODC was able to speak with Kolosky over the phone who

explained the personal problems he had been experiencing over the past year, his intention to participate in the disciplinary proceedings, and his interested in consent discipline.

83. Here, a slightly longer suspension is warranted where the Respondent's misconduct related to twelve different matters in which he failed to communicate with a client; failed to file necessary inheritance tax returns in seven estate matters; neglected client matters to the extent that three of them were dismissed for failure to prosecute; failed to respond to ODC's requests without good cause; and failed to comply with Rule 217, Pa.R.D.E. after being placed on administrative suspension.

84. Finally, a suspension of two years is necessary to protect the public, which is the overriding goal of the disciplinary system. Requiring Respondent to petition for reinstatement will give him the opportunity to demonstrate that he is in a position to adequately represent clients. *See Office of Disciplinary Counsel v. Levin*, 124 DB 2004; *Office of Disciplinary Counsel v. Levande*, 72 DB 1999.

85. The parties respectfully submit that a two-year suspension is consistent with the above cited disciplinary authority.

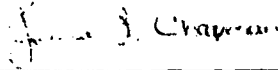
Respondent hereby consents to the discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that Respondent consents to the recommended discipline and including the mandatory acknowledgments contained in Pa.R.D.E. 215(d)(1) through (4).

WHEREFORE, Petitioner and Respondent respectfully request that your Honorable Board:

- (a) Approve this Petition and recommend that the Supreme Court of Pennsylvania enter an Order imposing a suspension of two years; and
- (b) Pursuant to Pa. R.D.E. 215(i) enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter.

Respectfully submitted,

Date: October 4, 2021

By: 

Jessica L. Chapman, Esq.
Disciplinary Counsel
Attorney Registration No. 323038
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: October 18, 2021

By: 

William Scott Arnoult
Respondent
Attorney Registration No. 92129
512 E. Baltimore St.
Greencastle, PA 17225
Telephone (717)491-0512

5. I acknowledge that I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding.

By: William Scott Arnoult
William Scott Arnoult
Respondent
Attorney Registration No. 92129
512 E. Baltimore St.
Greencastle, PA 17225
Telephone (717)491-0512

STATE OF Maryland
COUNTY OF Washington

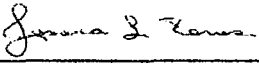
The foregoing instrument was acknowledged before me this 15 day of Oct. 2021 by William Arnoult
Rebecca Kaye Mohn Rebecca Kaye Mohn
Notary Public's Signature Notary Name
My Commission Exp. Oct. 22, 2024

REBECCA KAYE MOHN
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 22, 2024

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Jessica L. Torres _____

Attorney No. (if applicable): 323038